

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

BYRON MARTIN,
Plaintiff,

v.

File No. 1:05-CV-28

PAUL BROSSEAU, KEITH TALLON,
ELLEN McWARD, MICHAEL FOISY,
DIANE BOGDAN, JAMES KAMEL,
STEPHEN LAVOIE, DUSTIN
WARBURTON, KEITH REILLY,
RICHARD BESS, SUE JAMES,
TRINA NUTTER, CELESTE GIRRELL,
KEVIN ODDY and
BERNADETTE DEWING,
Defendants.

ORDER

The Magistrate Judge's Report and Recommendation was filed February 20, 2008. (Paper 116.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED.¹ See 28 U.S.C. § 636(b)(1). Defendants' motion to dismiss (Paper 110) is DENIED. This matter is hereby returned to the Magistrate Judge for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 19th day of March, 2008.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge

¹. The Court affirms, approves and adopts the Report and Recommendation, noting the apparent omission of a word in the second full paragraph on page 2, the third sentence of which should read: "With respect to ENE, Local Rule 16.3(b)(1) does *not* require ENE for prison conditions cases."